

A RESOLUTION BY

01- R -0648

CITY UTILITIES COMMITTEE

A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF ONE HUNDRED FIFTY-FIVE THOUSAND FIVE HUNDRED AND 00/100 (\$155,500.00) FOR UNPERMITTED DISCHARGES FROM THE CITY OF ATLANTA WASTEWATER COLLECTION AND TRANSMISSION SYSTEM PURSUANT TO THE FIRST AMENDED CONSENT DECREE, CIVIL ACTION FILE NO. 1:98-CV-1956-TWT, AND THE DEMAND FOR STIPULATED PENALTIES DATED MARCH 27, 2001, FOR THE PERIOD JULY 6, 2000 TO DECEMBER 31, 2000; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.

WHEREAS, during the period from July 6, 2000 to December 31, 2000, the City experienced 205 unpermitted discharges from its wastewater collection and transmission facilities in a total estimated volume of 868,336 gallons or more; and

WHEREAS, these discharges are being assessed stipulated penalties in the amount of \$155,500.00 imposed at the discretion of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) and the United States Environmental Protection Agency (EPA) pursuant to the First Amended Consent Decree, Civil Action File No. 1:98-cv-1956-TWT, and the Demand for Stipulated Penalties dated March 27, 2001; and

WHEREAS, the Department of Public Works of the City does not dispute the fact that these discharges did occur; and

WHEREAS, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

WHEREAS, funds for this purpose are available in account number 2J01-529017-T31001; and

WHEREAS, the total amount of the stipulated penalty of \$155,500.00 is to be divided equally between EPA and EPD pursuant to the First Amended Consent Decree; and

WHEREAS, it is deemed to be in the interest of the City to accept the proposed stipulated penalties and to pay the incident assessments to them.

NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section One: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Seventy-Seven Thousand Seven Hundred Fifty and 00/100 Dollars (\$77,750.00) payable to the **Treasurer, the United States of America** on behalf of the United States Environmental Protection Agency as a stipulated penalty;

Section Two: That the Chief Financial Officer of the City is authorized to issue a check in the amount of Seventy-Seven Thousand Seven Hundred Fifty and 00/100 Dollars (\$77,750.00) payable to the **State of Georgia** on behalf of the Georgia Environmental Protection Division of the Department of Natural Resources of the State of Georgia as a stipulated penalty;

Section Three: That the said payments be chargeable to Account Number 2J01 529017 T31001.